



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

Human Capital Office

October 1, 2013

FROM: David Krieg *David C. Krieg*
Human Capital Officer

SUBJECT: Notice of Furlough Due to Lapse in Appropriations

This memorandum is to advise you that Congress has not passed an appropriation for Fiscal Year 2014, or a continuing resolution, by October 1, 2013; therefore, you will be furloughed for a period not to exceed 30 calendar days. The furlough will begin today, October 1, 2013.

This furlough is being initiated under the authority of 5 CFR Part 752, Subpart D, because the IRS does not have a current appropriation for FY 2014. The absence of continued funding is an emergency under these regulations. As a result, 30-day advance notice is not being provided.

When you are on furlough, you will be in non-pay, non-duty status. Paid leave, such as annual, sick, court or military leave that has been approved for this furlough period is cancelled. Also, during the furlough, you must remain away from your workplace and you are prohibited by law from working, even on a voluntary basis. If you are in travel status at the time of furlough, return home unless otherwise directed by your manager.

If some employees in your organizational unit are not being furloughed, it is because they have been excepted from the furlough because of their specific duties. Employees excepted from the furlough have been notified. Unless you have been notified that you are excepted from the furlough, you will be furloughed beginning October 1, 2013.

If there is a furlough, you may get information from the media about the status of the furlough. When you hear that a continuing resolution or that the FY 2014 appropriation has been approved, you will be expected to report to work no later than four hours after that announcement, if it occurs on a workday. Otherwise, you should report at your normal start time on your next regularly scheduled workday. If the announcement contains more specific instructions on when to report to work, you will be expected to follow those instructions. An unscheduled leave policy will be in effect on the day the IRS is re-opened. You may also call the IRS Emergency Information Hotline at 866-743-5748, Option 3 (TTY at 866-924-3578) for information. Campus employees should use the emergency hotline procedures specific for their campus. Information is also available at www.irs.gov/employee.

You may appeal this action to the Merit Systems Protection Board (MSPB) if your employment status meets any of the following criteria:

1. You have completed a probationary trial period or one year of current continuous employment in the competitive service under other than a temporary appointment.
2. You are a preference-eligible employee in an excepted service appointment and have completed one year of current continuous service in the same position or positions similar to the one you now hold.
3. You are in an excepted service appointment and have completed two years of current continuous service in the same or similar position under other than a temporary appointment limited to two years or less.

If you have the right of appeal and wish to appeal this action to the MSPB, you must file your appeal during the period beginning the day after the effective date of the furlough and ending on the 30th day after the effective date. You have the right to be represented in this matter by an attorney or other person you may choose. You may obtain a copy of the appeal form, review the MSPB regulations and ascertain the location of the appropriate MSPB Regional Office through the website:
<http://www.mspb.gov/>

You may be entitled to unemployment benefits during the furlough period. You may want to contact the State Unemployment Office in your jurisdiction to determine eligibility and procedures through the following website:
http://www.dol.gov/whd/contacts/state_of.htm or refer to the State Unemployment Benefits Chart located on the IRS Shutdown Contingency Planning web page.

FOR BARGAINING UNIT EMPLOYEES ONLY:

As an alternative to an appeal to MSPB, bargaining unit employees may appeal this decision, with the consent of NTEU, to binding arbitration. Under no condition can you appeal this action to both the MSPB and arbitration. Filing an appeal in both forums will result in the dismissal of whichever appeal is filed later.